

REMARKS

Claim Rejections Under 35 U.S.C. §112

Claims 2-14 stand rejected under 35 U.S.C. §112, second paragraph as being indefinite in the use of the terms “meaning” and “in a manner”. By this Amendment, Applicants have amended the claims to delete these terms. It is submitted that the claims, as amended, now satisfy all the requirements of 35 U.S.C. §112.

Claim Rejections Under 35 U.S.C. §§102 and 103

Claims 1-4, 7 and 10 stand rejected under 35 U.S.C. §102(e) as being anticipated by Graunke U.S. Pub. No. 2003/0005285. Claims 5, 6, 13 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Graunke in view of Meffert U.S. Pub. No. 2002/0059144. Claims 8 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Graunke in view of van Eck U.S. Patent No. 4,669,117. Claims 9 and 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Graunke in view of Virga U.S. Patent No. 5,321,749.

For the reasons set forth hereafter, it is submitted that the claims, as amended, now patentably distinguish over the cited prior art.

Patentability of Claims

The present invention is directed to an apparatus and method for distributing the digital content from a digital content distributing apparatus to an information processing apparatus and outputting the distributed digital content by an output unit. More specifically, the invention relates to such an apparatus and system whereby the data is only partially encrypted whereby an image or sound file is visibly

recognizable or audible but of such quality that a copy would be of little value. Thus, with the present invention, when the digital content is a content outputted from an outputting device to be distributed to an audience, by display of images or reproduced music, if there is no authorized decryption key found, part of the content is encrypted before being outputted. See claims 2, 3 and 4.

When the target of the data content output is a display device, the part of the content to be encrypted is performed by encrypting a line, column, or part of a prescribed pixel. See claims 8, 9, 11 and 12.

Data format for image or music content requires a unique data structure. When such data structure is ignored and if a data content file is encrypted from the beginning to an end of the data file, the content of the file cannot be decrypted because the content decoder cannot interpret the encrypted data at all. Accordingly, the content of the data file cannot be viewed or heard at all. In order to make it possible for at least part of the data content of a file to be heard or viewed without permitting hearing or viewing of the entire data file, the present invention adopts a format which encrypts part of the data structure in units of data structure so as to avoid destruction of the data structure. Accordingly, individual portions of the data structure can be viewed or heard without permitting viewing or hearing of the entire data structure. Thus, the present invention provides an apparatus and method which provides only a display of the data content partly encrypted unless a user has an authorized encryption key for information when the content output device outputs a content such as an image display or reproduced music. See claims 5, 6 and 7.

In the Office Action of February 21, 2006, the Examiner stated that the Applicants do not state in the claims "that only a part of the data content is encrypted so that only part of the image and/or sound content of the file is seen or heard but the entire content of the data file may not be seen or heard."

The Examiner further noted that "the current state of the claims may be interpreted [as] meaning that a 'part' could be encrypting a range anywhere from a packet of the content, to all the content. Thus, the Examiner has relied on references that encrypt all of the content which is in the interpreted range."

By this Amendment, Applicants have amended the claim so that "part" could not be interpreted as all of the content from a packet. Thus, the claims have been clarified to make it clear that the encryption process is performed on "part, but not all, of a digital content".

With respect to the prior art cited in the rejection of the claims, the Graunke '285 reference describes a system in which a first encryption key decrypts an encrypted digital data while a second key re-encrypts the decryptive data. Graunke, however, does not disclose the important feature of the present invention in which only a part of the data content is encrypted so that only a part of the image and/or sound content of the file can be seen or heard but the entire content of the data file may not be seen or heard.

The Meffert '144 reference was cited as teaching "encrypting a content file while leaving a portion unencrypted." The van Eck '117 reference was cited as teaching "encrypting video by line" and the Virga '749 reference was cited as

teaching "encrypting video by line" and the Virga '749 reference was cited as teaching "encrypting video by pixel."

In Meffert, the unencrypted part is only an attribute, i.e., an "audio message" as described in paragraph [0101] and illustrated in Fig. 6, while the entire contents themselves are all encrypted. Due to this feature, a listener is not able to listen to the contents at all. Van Eck discloses a data encryption performed by line replacement of the display data while Virga discloses a data encryption technique attained by replacing the display data in unit of pixel. None of these latter three cited references, however, discloses the features of the present invention that provide a construction which outputs partly encrypted content for the purposes of preventing visualizing and/or hearing of the entirety of the data content.

Accordingly, it is submitted that the claims, as now amended, patentably distinguish over the prior art, taken either alone or in combination.

In view of the foregoing, Applicants respectfully request that a timely Notice of Allowance be issued in this case.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the

U.S. Application No. 09/988,156

deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417
(referencing attorney docket no. TSM-17).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

A handwritten signature in cursive script, reading "Gene W. Stockman", is written over a horizontal line.

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